

**Resolution and Action on Agenda Items
Idaho Fish and Game Commission Meeting
Oct. 2-3, 2003**

Red Lion Hotel, Idaho Falls, ID

Commissioners Hadley, Irby, Gibbs, Wheeler, Burns, attending.

Items in these notes may be in different order than the agenda.

1. **Opening comments**, Chairman Alex Irby. Comments on yesterday's field trip, which included Targhee National Forest and Jeff Siddoway's shooter bull operation on 5,000 acres of private land.
2. Agenda changes. Tomorrow the meeting will start at 7:30. Add Hunter Education Awards at 10 tomorrow. Access Yes is an action item. Clearwater Region would like to expand the controlled hunt for antlerless whitetail in 11A to cover the entire unit in order to spread out the 400 permittees. This would require emergency rulemaking authority from Division of Financial Management, so may require a conference call
3. Director's report, Steve Huffaker. Discusses personnel changes. A BLM-trained person will come to work at FG HQ to insure that the two agencies will work together on sage grouse instead of pursuing different goals.
4. Commission Reports
5. Current issues discussion, Commissioner Wheeler, public concerns about lack of sanitation facilities in steelhead fishing areas; public concerns about shortfall of hunter education classes and hunter education/volunteer coordinators.
6. Financial Report, Steve Huffaker. Nonresident tag sales are below predictions.
7. Consent Calendar: Approval of minutes from July 9-11, August 14 and August 27; and proposal to increase the FY04 budget for Fisheries by a total of \$71,500 for the purpose of providing technical assistance to National Marine Fisheries Service (NMFS) for working on ESA permitting and evaluating Forest Practices Act. Source of funds is 100 percent NMFS.

Action: Hadley moves, Gibbs seconds to accept the consent calendar.

Unanimous.

8. Nonresident deer and elk tag quotas and outfitter setaside, Steve Huffaker. Proposal is for the same as 2003: A total of 12,400 regular deer tags, of which 1,900 are set aside for outfitters; 1,200 Southeast Idaho deer tags, of which 85 are for outfitters; and a total of 12,815 elk tags of which 2,400 are for outfitters.

Action: Burns moves, Hadley seconds to adopt the motion. Gibbs suggests in discussion that staff should look at the quality of product offered in considering ways to boost sales of nonresident tags. Motion passes unanimously.

9. Appoint commission representative to the Western Association of Fish and Wildlife Agencies. Gibbs suggests all attend the 2004 Western, along with the new appointees to take office at that time.

Action: Agreed to retain Gibbs as the representative.

10. Review tentative 2004 meeting places and dates and set date for Jan. 2004 meeting. Tentative meeting places are Boise for the January and March

meetings, Riggins in April, conference call in May, St. Maries in July, conference call in August, Sept./Oct in Challis and December in Boise.

11. Strategic Plan update and McMullin report, Tracey Trent. A brief description of activities relating to the development of the strategic plan since the last update in Dec. 2002. Dr. Steve McMullin has completed his report analyzing the input from focus groups, public surveys, employee and commissioner surveys and commissioners are given copies of the results. Discussion of how the department can begin to use this information now. Tracey and bureaus directed to construct a set of proposals that would address the “needs to improve” list from McMullin’s survey results, to discuss with commission in Dec.
12. Fall steelhead run update, Virgil Moore. We are about half way through the run over Lower Granite, with 69,000 fish compared to a ten-year average of 38,000. Of these, 76 percent are hatchery A fish and 17 percent wild A; while three percent are hatchery B fish and 4 percent are wild B. Total run forecast is 141,000.
13. Yellowstone Cutthroat and South Fork Snake River Fishery Update, Steve Yundt and Jim Fredericks. Preservation of the South Fork Snake River Yellowstone cutthroat fishery is important from an angler as well as a fish population genetic management perspective. Recent increases in rainbow population levels have raised questions over the ability of the South Fork Snake River to persist as a pure Yellowstone cutthroat population or whether hybridization with rainbows will be a problem. Presentation describes IDFG efforts to preserve pure Yellowstone cutthroat in the South Fork Snake and the implications for future management. The South Fork supports over 200,000 angler hours per year. Rainbows were introduced in the 1970s. The current drought is impacting the production of cutthroat but not rainbows, cutting the population of cutthroats to about the same as that of rainbows. Research is ongoing to determine river conditions that are good for cutthroat and bad for rainbows. With weir and trap operations, rainbows are moved to other waters. Public is involved in efforts to increase rainbow harvest. 89 percent of public surveyed would manage the river for the cutthroat fishery knowing it would mean a decline in rainbows.

Reconvene after lunch 1:26 without commissioners Gibbs, Wood and Watts.

14. Lindstrom Peak/Boise Foothills Land Exchange, Gregg Servheen and Bob Martin. **Background:**

During executive session in 2002, the Commission conceptually approved initiating the process for an equitable exchange of Idaho Department of Fish and Game (IDFG) properties in the Lindstrom Peak area (Benewah Co.) for Idaho Department of Lands (IDL) endowment properties in the Boise Foothills (Ada Co.).

Appraisals and due diligence investigations are now completed. As proposed, IDFG would receive certificate of title to 1,928 acres (map attached) within and adjacent to the Boise River WMA and \$16,000 (Lindstrom Peak properties were purchased with Pitman-Robertson funds), which would go into the HB530 fund. Idaho Department of Lands would receive title to 592 acres in the Lindstrom Peak area (map attached).

Boise Foothills

Of the 1,928 acres IDFG would acquire, 1,448 acres are already within the approximately 17,000 acre Boise Front Segment of the 33,569 acre Boise River Wildlife Management Area (BRWMA). The Boise Front Segment is within a Coordinated Resource Management Plan (CRMP). The CRMP is a cooperative agreement between IDFG, Bureau of Land Management, U.S. Forest Service, IDL, U.S. Army Corps of Engineers, Natural Resource Conservation Service, and private landowners. The goals of the CRMP are to manage the land for big game wintering habitat, upland game habitat, watershed protection, and wildlife-related recreation. As proposed, 480 acres would become part of the BRWMA's Boise Front Segment and part of the CRMP.

The BRWMA is a critical component in the overall management of mule deer in Game Management Unit 39. The 2003 mule deer population survey estimated 24,000 deer in Unit 39, with 37% of these deer found on the BRWMA. The Boise Front Segment winters 25% of the deer in Unit 39 with an additional 6% found in the remainder of the Boise Foothills. The BRWMA also supports about 600 elk and provides habitat for 214 different species of birds, 63 mammals, and 22 amphibians and reptiles. The Boise Front Segment boundary joins the Boise City limits and provides unique wildlife experiences for residents of the Boise valley. The IDL property is critical winter range that needs to be preserved because much of the historical big game winter range is being developed.

Existing livestock grazing leases would be honored for the terms of the leases. Or, if a livestock operator desires, we would accept a voluntary relinquishment of their lease.

Changes that could occur with IDFG taking ownership would include the following: 1) increased opportunities for wildlife habitat improvements, including grass, shrub, and forb plantings; 2) an opportunity to encourage big game to use the Warm Springs Creek portion of the IDL property by plantings or fertilization to reduce the vehicle/wildlife encounters on Warm Spring Avenue; and 3) seasonal access restrictions necessary to protect wintering deer from stressful disturbance. The current access situation is not expected to change much, if any, due to the main access roads already being seasonally restricted to protect wintering deer.

Lindstrom Peak

We predict that exchanging these IDFG lands to IDL will have a neutral impact on deer and associated recreation. Public access is not expected to change, because the land would remain in public ownership. With IDL ownership, logging on these properties will be conducted in compliance with the Idaho Forest Practices Act, including protection of streamside zones and in compliance with the IDL Wildlife Procedures Manual.

Action: Hadley moves, Burns seconds to accept the proposal. Unanimous.

Commissioner Gibbs rejoins the meeting 1:35.

15. Big game status report, Jim Hayden (elk) and Brad Compton (deer). **Elk** - In 1998 the Commission adopted the current elk management plan that established population objectives for cows, bulls, and adult bulls (3.5 years +) in individual management zones. Zones were established based on encompassing populations, similar habitats, and similar management objectives. Management has accomplished desired shifts in

hunter distribution; encouraging more opportunity where objectives are to reduce populations and restricting opportunity where population growth is desired. Overall, statewide elk hunter numbers and subsequently harvest have declined since 1998. Harvest is around 20,000 per year for the last eight years. Hunter success is about 20 percent over that time period. Success is better than any of the other northwest states. Hunters' chances of killing a bull, and of killing a six-point bull, are better than five years ago. **Mule Deer** - Also in 1998, the Commission adopted the current mule deer management plan that established antlerless harvest thresholds and minimum buck:doe ratios for individual analysis areas. Analysis areas were established based on encompassing populations, similar habitats, and similar management objectives. Although mule deer have undergone a statewide decline over the past 40 years, increasing populations have generally been observed during the past 5 years. Idaho's mule deer management program is multi-faceted and consists of population (including fawns) and harvest monitoring, established management plan objectives, research, and public involvement. Staff provided a review of the mule deer management program in the state along with updated information on harvest, hunter participation and status relative to management objectives. Discussion of lack of sales of nonresident tags followed, with consideration of direction to study the marketing efforts of surrounding states, specifically Wyoming, and see what can be done to increase sales.

16. Whitetail deer plan revision update, Daryl Meints. The current white-tailed deer management plan, adopted in 1998, established management guidelines and objectives for north of the Salmon River. Because statewide populations have increased and a number of management issues have surfaced including depredations, some sportsmen's concern for buck quality, hunter mobility, and trespass/access issues, the Commission instructed the Department to initiate a statewide revision to the white-tailed deer management plan. As part of a public involvement process in this revision, the Department conducted a random survey of deer hunters throughout the state. Additionally; landowners involved in the Landowner Appreciation Program, targeted sportsman groups, and other stakeholder organizations in the state were surveyed to identify public management goals. A team of Department personnel are analyzing the survey results and identifying alternative management strategies to address the public goals. Staff presented results of the public survey effort and draft alternative management strategies. As developed objectives would be presented in Jan. 04 and alternatives developed after that, and management strategies implemented in March.
17. Legislative proposals, Steve Barton. 1.) would allow regular quarterly commission meetings "during each quarter" rather than specifying the months of April, July and October with an annual meeting in January. 2.) controlled hunt fee change. Public is confused because the application fee and permit fee are the same at \$5.00 (\$6.50 after vendor fee). Proposal would add fifty cents to the application fee and decrease the permit fee by one dollar. 3.) This is a place-holder for a bill that would clarify that it is the responsibility of domestic cervidae farmers to report any escaped domestic cervidae, to try to capture any escaped domestic cervidae, and to reimburse the State of Idaho

for any reasonable costs incurred in the recapture or destruction of escaped domestic cervidae. Further, this bill clarifies that any escaped domestic cervidae taken by a licensed hunter during an open season for that species of animal shall be considered a legal take, and that neither the hunter, the State of Idaho or a state agency shall be liable to the domestic cervidae farmer for the killing. Dept. of Ag also has a place-holder for such a bill, and the elk industry is working on a bill. 4.) This bill would remove the requirement for publishing a depredation hunt order. The Department of Fish and Game uses depredation hunts as one method to protect private property from damage by wildlife. Depredation hunts address immediate needs to control wildlife depredation. The hunters for these depredations hunts are chosen from existing controlled hunt permit holders or hunters who have signed on a regional waiting list for such hunts. This allows a quick response to wildlife depredation problems. The required published notice in a newspaper of general circulation in the area affected is usually published after the hunt is completed because of newspaper publication and printing schedules. Some members of the hunting public are confused by the after the fact publishing of the depredation hunt order. Members of the public call the Department to inquire about participating in the hunt. However, the depredation hunt is already completed. Removing the publishing requirement would alleviate this confusion. The depredation hunt process would not change. 5.) This bill would authorize the Idaho Fish and Game Commission to specify signing requirements for shooting preserves and adopt additional methods for the marking of artificially propagated upland game birds by administrative rule. The Commission and Department have been contacted by several shooting preserve operators who would like to discuss different methods of signing and alternative bird marking methods for birds to be released at their licensed facilities. However, the Commission and Department are unable to address these requests because the required signing and bird marking methods are set by statute. This bill would allow the Commission to address the concerns of the shooting preserve operators. If the Commission does not adopt new signing or bird marking methods requirements by rule, then the requirements set by statute will remain in effect. 6.) a bill which would allow the commission to adjust license, tag and permit fees within the range of a maximum set by statute, rather than getting legislative approval for larger increases periodically. The smaller incremental increases would still require legislative approval. A proposal would be made to the commission in July, taken out for public scooping in the fall, to the commission for a vote in October, and to the Legislature the next session. If approved, it would be effective the next Jan. 1. The proposal was based on the fiscal year 06 budget with inflation and employee cost of living adjustments figured each year. This was a recommendation of the Governor's Blue Ribbon Committee on State Government.

Action: Gibbs moves, Hadley seconds to approve the legislation proposed in agenda number 17. Unanimous.

18. Water Rights/deeds, Dallas Burkhalter. As a result of identifying the Commission as the property acquiring entity, an issue has arisen as to who can sign water rights litigation documents. Previously, Cindy Robertson had been signing such documents for the Department. The Department of Water Resources will not accept Ms. Robertson's signature on documents concerning water right claims in the name of the Commission.

Additionally, the Director (as statutory Secretary to the Commission) has been signing routine easement documents (such as for fish screen locations and utility easements). My recollection is that the Commission approved this several years ago. Since we are addressing the subject, now would be an opportune time to restate the Commission approval and delegation of authority for the record.

Justification:

The justification for the actions requested is the orderly and timely processing of routine business. Without such delegation of authority, there would be a need to bring these items to the Commission for action and request special Commission meetings in order to meet some deadlines.

Action Requested:

1: Delegate authority to the Commission Secretary/Director to handle and sign water rights filing and litigation documents on the Commission's behalf.

~~**1A: Consider delegating authority to Cindy Robertson to handle and sign water rights filing and litigation documents as an agent on behalf of the Commission.**~~

2: Affirm the authority delegated to the Commission Secretary/Director to handle and sign routine fish screen easements and utility easements on the Commission's behalf.

Action: Hadley moves, Burns seconds to accept the agenda item with item 1A deleted. Unanimous.

18. Sale of unclaimed controlled hunt tags, Steve Huffaker. In the winter of 2003 Idaho hunters requested that the Department sell controlled hunt permits that were not purchased by those who had successfully drawn the permit during the drawing process. The Department agreed that this was a good idea, and presented the new rule change to the Commission. The goal was to make sure these unclaimed tags did not go unused and that they were issued. The rule presented was for a "first come - first served" sale. This followed the same pattern of all other leftover sales the Department conducts and allowed a way to make sure that all of the controlled hunt tags were purchased. Staff would like time to review options for future leftover unclaimed controlled hunt tag sales and make a presentation at the March 2004 meeting. Proposals include a new drawing with a new application required (lets in new people); re-draw from existing pool who applied for a hunt; or leave first-time applicants in the pool but allow others to apply also. Staff is directed to generate options and bring them to the commission in January, keeping the commission apprised of events.

19. Commissioner Wheeler wants to know if there is some way to document what benefit there may be from a depredation situation; in other words, a happy

landowner, a happy hunter and better habitat on private ground? A way to eliminate problems before they become serious.

Adjourn 5:05

Meeting convened 7:35 10-3, joined by commissioner Watts. Commissioner Wood joins by conference call.

20. Expansion of controlled hunt number 1051 in unit 11AX to include all of 11A

Action: Hadley moves, Gibbs seconds to accept the recommendation to expand the area of the hunt. Unanimous.

21. Access Yes program and funding, and Brad Compton and Steve Barton.

Barton explains history of attempts to fund and source of FY04 funding from interest off secondary depredation fund, also that legislation proposed would cover the cost beginning at the end of FY05. This will also work for FY05 but in FY06 the commission may want to take a new direction. Compton gives a summary of this year's participation. In this first year, lease agreements were signed with 30 landowners providing access on 107,000+ acres of private land and access to 240,000+ acres of public land. Information regarding the program and individual properties is available on the Department's web site. Numerous and varied media releases have been produced statewide to inform sportsmen. Key messages being delivered include respecting private property and appropriate hunter behavior on Access Yes properties. Gibbs suggests that it may be more pertinent to decide funding methods after we have a year's experience and get feedback from the public and from landowners. Hadley believes that the program will not go away and the commission needs to find funding for it without robbing from other programs. Watts urges adoption of the proposals of the Wildlife Advisory Committee and inclusion of Governor's Auction Tags. Gibbs points out that the item was not noticed for action and we have not taken public comment, and to wait until December will not kill this program. Burns would like to get more input from the public on how they would like to fund the program, and is personally opposed to auction tags. Wheeler would like more time to study funding alternatives and sample public opinion and also doesn't think sixty days will hurt. Watts thinks we should move ahead today to select a funding method. Wood suggests all proposals should be written up and put out for comment and we announce that the commission will make a decision in December on how to fund Access Yes. Hadley agrees. Huffaker offers his suggestions for taking public comment on the future of the program and funding sources.

Action: Watts moves, Gibbs seconds to consider Access Yes "in its finality" at the December meeting. Unanimous.

22. Hunter Education Awards for Sammie Hendricks, Idaho Falls and Brad Adams of Blackfoot received the Commission Award for Continuing our Heritage. Adams has been teaching Hunter Education since 1992, Hendricks since 1980

21. Return to Landowner Appreciation Program, Brad Compton, equity between large and small landowners is an issue, so is the "reasonable access" issue for sportsmen. Compton sees a need for review, which will be on the agenda at the Wildlife Advisory Committee meeting Dec. 1-2.

Wood, Irby and Hadley leave the meeting, Gibbs takes gavel.

22. 2004-05 fishing rules proposals, Steve Yundt. Changes include a clarification of the snagging rule to make it plain that using a hook or lure other than to entice the fish to strike it and hook it in the mouth or jaw is illegal, and that a “foul-hooked fish must be released; increase in steelhead limits to three per day, nine in possession and 20 for the season, more liberal steelhead opener dates in some streams, and allowing use of two poles for anadromous fish. Local changes were also specified. Discussion followed on potential impacts of a year-round fishing season on swans on the South Fork of the Snake River.

Action: Watts moves, Wheeler seconds to accept the fishing rules as proposed.

Gibbs notes that commissioners Wood, Irby and Hadley offered comments before they had to leave the meeting, and all approved the fishing rules proposals.

Passed unanimously.

Adjourned 10:10 a.m.